

IN THE COURT OF COMMON PLEAS OF ALLEGHENY COUNTY, PENNSYLVANIA, FAMILY DIVISION 5/20

TEMPORARY PROTECTION FROM ABUSE ORDER					FD No. 20-02108-002			
PLAINTIFF					Date of Birth		Sex	Race
Brandi Anderson					6/23/96		F	B
Name(s) of all protected persons, including minor child/ren								
Name		DOB	Sex	Race	Name		DOB	Sex
1.	PLAINTIFF (listed above)	XXXXXXXXXXXXXXXXXXXX			5.			
2.	Francis	7/27/20	M	B	6.			
3.					7.			
4.					8.			

vs.

DEFENDANT		Date of Birth		Sex	Race
Koby Francis		7/7/98		M	B
ADDRESS:		DEFENDANT IDENTIFIERS (if known)			
2431 Miller Ave. McKeesport, PA 15132		Height:	6 ft 2	Eye Color:	Brown
CAUTION: (check any below that may apply)		Weight:		Hair Color:	Black
<input type="checkbox"/> Weapon Involved <input type="checkbox"/> Weapon Present on the Property <input type="checkbox"/> Weapon Ordered Relinquished		S.S. Number:			
		Driver License #:			
		Driver License State:			

NOTICE TO DEFENDANT

Defendant is hereby notified that failure to obey this order may result in arrest as set forth in 23 Pa.C.S. § 6113 and that violation of the order may result in a charge of indirect criminal contempt as set forth in 23 Pa.C.S. § 6114. Consent of Plaintiff to Defendant's return to the residence shall not invalidate this order, which can only be changed or modified through the filing of appropriate court papers for that purpose. 23 Pa.C.S. § 6108(g). If Defendant is required to relinquish any firearms, other weapons, ammunition or any firearm license, those items must be relinquished to the sheriff or the appropriate law enforcement agency within 24 hours of the service of this order. As an alternative, Defendant may relinquish any firearm, other weapon or ammunition listed herein to a third party, provided Defendant and the third party first comply with all requirements to obtain a safekeeping permit. If, due to their current location, firearms, other weapons or ammunition cannot reasonably be retrieved within the time for relinquishment, Defendant shall provide an affidavit to the sheriff or the appropriate law enforcement agency listing the firearms, other weapons or ammunition and their current location no later than 24 hours after service of this order. Defendant is further notified that violation of this order may subject him/her to state charges and penalties under the Pennsylvania Crimes Code under 18 Pa.C.S. § 6105 and to federal criminal charges and penalties under 18 U.S.C. § 922(g)(8) and the Violence Against Women Act, 18 U.S.C. §§ 2261-2262.

The Court Hereby Finds: That it has jurisdiction over the parties and subject matter, and Defendant will be provided with reasonable notice and opportunity to be heard. Additional findings of this order are set forth below (attached).

AND NOW, this December 10, 2020 upon consideration of the attached Petition for Protection from Abuse, the court hereby enters the following Temporary Order:

A FINAL HEARING FOR THE PLAINTIFF AND DEFENDANT WILL BE HELD

on **December 28, 2020** at 9:00 A.M.

Check-In at **ROOM 3030, 3rd Floor, Family Court Building, 440 Ross Street, Pittsburgh, PA**

"Temporary Order"

FILED

20 DEC 10 PM 1:55

CLERK OF COURT
ALLEGHENY COUNTY PA

PENDING THE FINAL HEARING, IT IS ORDERED:

5/20

- 1.) Defendant shall not abuse, harass, stalk, threaten, or attempt or threaten to use physical force against any of the above persons in any place where they might be found.
- 2.) Defendant is evicted and excluded from the residence at:

604 Della Dr. Apt 3A. North Versailles, PA 15137

OR any other permanent or temporary residence where Plaintiff or any other person protected under this order may live. Plaintiff is granted exclusive possession of the residence. Defendant shall have no right or privilege to enter or be present on the premises of Plaintiff or any other person protected under this order.
- 3.) Except for such contact with the minor child/ren as may be permitted under Paragraph 5 of this order (relating to custody), Defendant is prohibited from the **SCHOOL, DAYCARE, BUSINESS, or PLACE OF EMPLOYMENT** of the Plaintiff, or any other person protected under this order.
- 4.) Except for such contact with the minor child/ren as may be permitted under Paragraph 5 of this order (relating to custody), Defendant shall not contact Plaintiff, or any other person protected under this Order, either directly or indirectly, by telephone or by any other means, including through third persons.

5.) CUSTODY:**A. ☐ THERE IS A CURRENT CUSTODY ORDER AS TO THE CHILD/REN OF THE PARTIES.**

Date of Custody Order:	Docket No.:	County:
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☐ THIS PFA ORDER SHALL NOT SUPERSEDE THE CURRENT CUSTODY ORDER.

The parties shall follow the existing custody order, subject to any conditions regarding contact or custody exchanges, if set forth below.

OR**☐ THIS PFA ORDER SUPERSEDES ANY PRIOR ORDER RELATING TO CHILD CUSTODY.**

Any prior orders regarding custody are temporarily suspended pending the Final PFA hearing.

B. ☒ PENDING THE FINAL PFA HEARING, ALL CONTACT BETWEEN DEFENDANT AND THE MINOR CHILD/REN and/or PLAINTIFF SHALL BE LIMITED TO THE FOLLOWING:

- ☒ No contact with the minor child/ren pending the Final PFA Hearing.
- ☐ Minor child/ren may initiate telephone calls to Defendant.
- ☐ Defendant is permitted to call and have reasonable telephone contact with the minor child/ren.
- ☐ Supervised visitation with the minor child/ren at dates, time and circumstances and with a supervisor approved by Plaintiff.
- ☐ Partial custody with the minor child/ren may occur only at the dates, times and circumstances approved by Plaintiff.
- ☐ Defendant may have a third party contact Plaintiff, only to arrange visitation.

CONTACT CONDITIONS: Only for the purpose of having reasonable and necessary communication regarding custody, the parties may communicate by ☐ text ☐ email ☐ third party

EXCHANGE CONDITIONS Contact for the purposes of custody exchanges is limited to the following:

- ☐ custody exchanges shall occur through a third party or parties
- ☐ each party shall remain in their respective vehicles or residence
- ☐ custody exchanges shall occur in a public place (*specify where*):

C. ☒ PENDING THE FINAL PFA HEARING, PLAINTIFF IS AWARDED TEMPORARY CUSTODY OF THE FOLLOWING MINOR CHILD/REN:

Blaze Francis

The local law enforcement agency in the jurisdiction where the child/ren are located shall ensure that the child/ren are placed in the care and control of the Plaintiff in accordance with the terms of this order.

6.) FIREARMS, OTHER WEAPONS AND AMMUNITION RESTRICTIONS: *(Check all that apply)*

- ☒ Defendant is prohibited from possessing or acquiring any firearms for the duration of this order.
- ☐ Defendant shall relinquish to the sheriff or the appropriate law enforcement agency any firearm licenses owned or possessed by Defendant.
- ☐ Defendant is directed to relinquish to the sheriff or the appropriate law enforcement agency any firearm, other weapon or ammunition listed in "Attachment A to Temporary Order", which is attached and incorporated herein by reference, under Defendant's control or in Defendant's possession.

Defendant may relinquish firearms, other weapons or ammunition to the sheriff or the appropriate law enforcement agency. As an alternative, Defendant may relinquish firearms, other weapons or ammunition to a third party, provided Defendant and the third party first comply with all the requirements to obtain a safekeeping permit. Defendant must relinquish any firearm, other weapon, ammunition or firearm license ordered to be relinquished **no later than 24 hours after service of this order**. If, due to their current location, firearms, other weapons or ammunition cannot reasonably be retrieved within the time for relinquishment, Defendant shall provide to the sheriff or the appropriate law enforcement agency an affidavit listing the firearms, other weapons or ammunition and their current location no later than 24 hours after service of this order. Failure to timely relinquish any firearm, other weapon, ammunition or any firearm license shall result in a violation of this order and may result in criminal conviction under the Uniform Firearms Act, 18 Pa.C.S. § 6105.

7.) PROPERTY: If requested, the appropriate law enforcement agency shall escort ☐ Plaintiff ☐ Defendant to the requested residence to retrieve personal belongings or accompany Plaintiff while the petition and order is served on Defendant. Plaintiff shall not be charged any fees or costs associated with service of a petition and order.

8.) THIS ORDER SUPERSEDES ANY PRIOR PROTECTION FROM ABUSE ORDER OBTAINED BY THE SAME PLAINTIFF AGAINST THE SAME DEFENDANT.

9.) THIS ORDER APPLIES IMMEDIATELY TO DEFENDANT AND SHALL REMAIN IN EFFECT UNTIL THE FINAL HEARING DATE OR UNTIL OTHERWISE MODIFIED OR TERMINATED BY THIS COURT AFTER NOTICE AND HEARING.

NOTICE TO DEFENDANT

Defendant is hereby notified that failure to obey this order may result in as set forth in Pa.C.S. § 6113 and that violation of the order may result in a charge of indirect criminal contempt as set forth in 23 Pa.C.S. § 6114. Consent of Plaintiff to Defendant's return to the residence shall NOT invalidate this order, which can only be changed or modified through the filing of appropriate court papers for that purpose. 23 Pa.C.S. § 6108(g). If Defendant is required to relinquish any firearms, other weapons, ammunition or any firearm license, those items must be relinquished to the sheriff or the appropriate law enforcement agency within 24 hours of the service of this order. As an alternative, Defendant may relinquish any firearm, other weapon or ammunition listed herein to a third party, provided Defendant and third party first comply with all requirements to obtain a safekeeping permit. If, due to their current location, firearms, other weapons or ammunition cannot reasonably be retrieved within the time for relinquishment, Defendant shall provide an affidavit to the sheriff or the appropriate law enforcement agency listing the firearms, other weapons or ammunition and their current location no later than 24 hours after service of this order. Defendant is further notified that violation of this order may subject him/her to state charges and penalties under the Pennsylvania Crimes Code under 18 Pa.C.S. § 6105 and to federal criminal charges and penalties under 18 U.S.C. § 922(g)(8) and the Violence Against Women Act, 18 U.S.C. §§ 2261-2262.

NOTICE TO SHERIFF, POLICE AND LAW ENFORCEMENT OFFICIALS

This order shall be enforced by the police department or sheriff who has jurisdiction over Plaintiff's residence **OR** any location where a violation of this order occurs **OR** where Defendant may be located. If Defendant violates Paragraphs 1 through 6 of this order, Defendant shall be arrested on the charge of Indirect Criminal Contempt. An arrest for violation of this order may be made without warrant, based solely on probable cause, whether or not the violation is committed in the presence of a police officer or sheriff.

Subsequent to an arrest, the law enforcement officer or sheriff shall seize all firearms, other weapons or ammunition in Defendant's possession which were used or threatened to be used during the violation of the protection order or during prior incidents of abuse and any other firearms in Defendant's possession. Any firearm, other weapons, ammunition or any firearm license must be delivered to the sheriff or the appropriate law enforcement agency, which sheriff or agency shall maintain possession of the firearms, other weapons or ammunition until further order of this court, unless the weapon(s) are evidence of a crime, in which case, they shall remain with the law enforcement agency whose officer or sheriff made the arrest.

BY THE COURT:



J.